

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/6/15

\_\_\_\_\_  
JACQUELINE GOMEZ, ET AL.,

Plaintiffs,

-against-

No. 15 Civ. 3326 (CM)

LACE ENTERTAINMENT, INC.,  
MLB ENTERPRISES, CORP.,  
ANTHONY CAPECI, and  
GLEN ORECCHIO,

Defendants.  
\_\_\_\_\_

**MEMORANDUM DECISION AND ORDER DENYING AS MOOT LACE  
ENTERTAINMENT'S MOTION TO DISMISS**

McMahon, J.:

On April 29, 2015, Plaintiffs sued two businesses and two individuals, alleging various wage and hour violations. On July 8, 2015, defendant Lace Entertainment Inc. ("LEI") filed a motion to dismiss. After an initial conference and some discovery, it became clear that LEI had been sued in error. On August 4, 2015, the Court so-ordered a voluntary stipulation of dismissal, without prejudice, as to LEI only. There is, therefore, no need to resolve the July 8, 2015 motion to dismiss. It is denied as moot. The Clerk of the Court is directed to remove Docket No. 30 from the Court's list of pending motions.

The parties should inform the Court via letter whether it should also dismiss defendant Orecchio, who, I believe, was only sued in connection with now-dismissed defendant LEI.

In any event, this action remains very much alive as to defendants MLB Enterprises Corporation and Anthony Capeci, who have moved to dismiss the action and to compel the plaintiffs to arbitrate. Per my previous scheduling order, the Court will conduct an evidentiary

hearing relating to that motion on August 18, 2015. The parties are reminded of their obligation to provide two copies of all direct testimony and pre-marked exhibits to chambers five business days before the hearing. These copies will be for the Court's use only; the parties should not rely on those copies for their own use at the hearing. The parties are also reminded that they must provide their own interpreters, if interpreters are necessary. The Court's interpreters are not available in civil matters.

Dated: August 5, 2015



U.S.D.J.

BY ECF TO ALL COUNSEL